

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL No. 01-367 (SEC)
)	
TAYRONNE FIGUEROA-)	
FELICIANO, ET AL.,)	
)	
DEFENDANTS)	

ORDER ON MOTION TO SUPPRESS

The motion to suppress is **DENIED**.

First, the defendant Tayronne Figueroa-Feliciano has failed to assert a possessory or privacy interest in the premises searched. He says only that “[t]hrough informal discovery, the defense understands that the government intends to prove through the testimony of one or more witnesses that Mr. Figueroa used and/or occupied the searched apartments, thus allegedly linking the appearing defendant with the items seized.” Mot. to Suppress and Exclude Evid. at 2. That fails to assert the necessary interest to support a motion to suppress. Minnesota v. Carter, 525 U.S. 83, 88 (1998). It also fails as ground for an evidentiary hearing on the issue. United States v. Lewis, 40 F.3d 1325, 1332 (1st Cir. 1994).

Second, the affidavit in support of the warrant does furnish probable cause. Although some of the information came from a confidential informant, the FBI

agent who gave the affidavit told the Magistrate Judge that the CI had previously provided “accurate and reliable information” concerning a drug trafficking route from San Juan, Puerto Rico to the continental United States, and had previously provided “identities of several members [of the organization]; assets; bank accounts; logistic information; and *modus operandi*, all of which were corroborated by members of the law enforcement community.” Aff. for Search Warrant at 1 (emphasis added). Moreover, the CI previously “provided information which led to the seizure of kilograms of cocaine.” *Id.* Under the totality of the circumstances, Illinois v. Gates, 462 U.S. 213, 238 (1983), there was probable cause for the Magistrate Judge to issue the warrant when the same CI said that the same organization was using the premises to be searched “as a processing, packaging, and stash location” and was about to empty the premises. *Id.* at 2.

Third, the good faith exception to the exclusionary rule would apply here. It was reasonable for the officers to rely on the warrant. United States v. Leon, 468 U.S. 897, 922-23 (1984).

Fourth, the items seized all fit within the scope of the warrant. (The defendant’s sole argument on this issue is to quote the warrant, then quote the inventory of items seized. Mot. to Suppress and Exclude Evid. at 5-6. The items seized are so obviously within the scope of the warrant that I give it no greater treatment than the defendant’s argument.)

Fifth, any documents which the defendant has not previously been able to see, *id.* at 6-7, are now available for inspection by counsel, according to the

Government. U.S. Response in Opp'n to Def.'s Mot. to Suppress and Exclude Evid.
at 5. There is, therefore, no reason to suppress them as a penalty for a discovery
violation.

So ORDERED.

DATED THIS ____ DAY OF APRIL, 2002.

**D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE
DISTRICT OF MAINE
SITTING BY DESIGNATION**

U.S. District Court
Puerto Rico (San Juan)
Criminal Docket For Case #: 01-CR-367-ALL

TAYRONNE FIGUEROA-FELICIANO

defendant

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